

POLICY: DOCUMENTATION OF CRIMINAL HISTORIES

POLICY STATEMENT: It is the policy of the Bureau of Developmental Disabilities Services (BDDS) that prior to any owner, director, officer, employee, contractor, subcontractor, volunteer, or agent performing any management, administrative, direct service to an Individual, or other work on behalf of a Provider company, the Provider shall obtain and retain as part of the personal history for each proposed owner, director, officer, employee, contractor, subcontractor, volunteer or agent, findings from a background check.

DETAILED POLICY STATEMENT:

1. Prior to any owner, director, officer, employee, contractor, subcontractor, volunteer, or agent performing any management, administrative, direct service to an Individual, or other work on behalf of a Provider company, the Provider shall obtain and retain as part of the personal history for each proposed owner, director, officer, employee, contractor, subcontractor, volunteer or agent, findings from:
 - a. a verification of identification;
 - b. a criminal history search;
 - c. a professional registry search, including a state nurse aide registry search; and
 - d. for any alien, evidence of permanent resident status in the United States.
2. The criminal history search shall include:
 - a. Electronic verification of Social Security records confirming identity and address history; and
 - b. criminal history search from each state, county, district, parish and city, wherever located, in which an owner, officer, director, employee, contractor, subcontractor, volunteer or agent involved in the management, administration, or provision of services has resided and/or worked during the three (3) years before the criminal history investigation is requested from the county.
3. The criminal history shall include information regarding convictions of the following:
 - a. A sex crime;
 - b. Battery, Neglect or Exploitation of an endangered adult or of a child;
 - c. Failure to report Battery, Neglect or Exploitation of an endangered adult or of a child;

- d. Crimes of dishonesty and moral turpitude;
 - e. Felony or misdemeanor theft;
 - f. Criminal conversion;
 - g. Criminal deviate conduct;
 - h. Murder;
 - i. Voluntary manslaughter;
 - j. Involuntary manslaughter;
 - k. Felony and misdemeanor battery at the time of conviction;
 - l. Any offense relating to alcohol or a controlled substance.
4. The professional registry searches shall verify that the owner, officer, director, employee, contractor, subcontractor or agent has not been cited for malpractice, malfeasance or other unprofessional actions.
5. When a Provider has cause to investigate an owner, officer, director, employee, contractor, subcontractor or agent for whom a previously acceptable verification of identification, legal residence and criminal history is on record, the Provider shall investigate the criminal history to the extent that cause exists.
6. Upon a Provider requesting approval for a new service, current or incumbent owners, directors, officers, employees, directors, contractors, subcontractors, volunteers or agents for whom the Provider has not obtained a criminal history consistent with this rule shall undergo a criminal history search as outlined in this policy as a requirement for approval of the new service.
7. Information as described in this section shall be maintained by the Provider in a manner that allows for review at the time a verbal or written request is made by Division of Disability and Rehabilitative Services (DDRS), and Office of Medicaid Policy and Planning (OMPP).

DEFINITIONS

"Bureau of Developmental Disabilities" or "BDDS" means bureau of developmental disabilities services as created under IC 12-11-1.1-1.

"Division of Disability and Rehabilitative Services" or "DDRS" means the division of disability and rehabilitative services established in IC 12-9-1-1.

"Exploitation" means: unauthorized use of the personal services, the property, or the identity of an individual; or any other type of criminal exploitation, including exploitation under IC 35-46-1-1 for one's own profit or advantage or for the profit or advantage of another.

"Individual" means an individual with a developmental disability who has been determined eligible for services by a service coordinator pursuant to IC 12-11-2.1-1. If the term is used in the

context indicating that the individual is to receive information, the term also includes the individual's legal representative.

"Neglect" means failure to provide supervision, training, appropriate care, food, medical care, or medical supervision to an individual.

"OMPP" means the Office of Medicaid Policy and Planning as established by IC 12-8-6-1.

"Provider" means: (1) a person or Entity approved by DDRS to provide an Individual with agreed upon services. (2) Where the Provider is providing Medicaid funded waiver services, OMPP will have authority for final approval of the Provider under 460 IAC 6-6.

REFERENCES

460 IAC 6-10-5

IC 12-8-8-4

IC 12-9-2-3

Approved by: Julia Holloway, DDRS Director